IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1749 OF 2004

M/s.Avery India Ltd. ...Petitioner.

Versus

The National Labo Sur Organisation. ...Respondent.

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Mrs.Meena Doshi for the Petitioner.

Mr. A.D. Shetty for the Respondent.

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CORAM : DR. D.Y. CHANDRACHUD, J.

May 5, 2005.

P.C.:

This matter has been adjourned on several occasions since Learned Counsel had fairly suggested that parties are exploring the possibility of an amicable solution. By an order dated 8th October 2004, Mr.S. K. Talsania, Learned Advocate practising before this Court, was appointed as a mediator. The Court wishes to record its appreciation of the efforts taken by the Learned

Mediator which have resulted in an amicable solution to the dispute. Counsel appearing on behalf of the contesting parties have tendered Consent Terms which are signed by Learned Counsel and by authorised representatives of the parties. Consent Terms taken on record and marked “X”. There shall be an order in terms of the Consent Terms.

Both the Learned Counsel have requested the Court to record the following with the consent of the parties and at their request.

-(1) The settlement which has been arrived at between the parties and which is reflected in the Consent Minutes of the Order shall be in full and final settlement of all the claims, demands and outstandings of the Respondents in respect of the Charter of Demands dated 11th April 1989;

-(2) In the circumstances, the Respondent Union has withdrawn its letter dated 29th April 2005 and the requisitions that were contained therein.

-(3) In so far as the employee by the name of Avinash Choukekar is concerned, parties have agreed to a lump sum payment of Rs.50,000/- as core allowance to him as reflected in annexure “C” as a special case in the peculiar facts and circumstances of the case without creating any precedent in future; and

-(4) Parties have agreed that there is no dispute subsisting now either in regard to the method which was adopted or in the actual calculation that has been made while arriving at the figures which are reflected in Annexure “C” to the Consent Terms.

There shall be an order in the petition in the aforesaid terms.

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